

Notice of Allowability

Application No.

10/657,408

Examiner

James M Hewitt

Applicant(s)

JONES, JIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 1/6/05.
2. ☒ The allowed claim(s) is/are 16-17 which will appear as claims 1-2 in the patent.
3. ☒ The drawings filed on 20 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JAMES M. HEWITT
PRIMARY EXAMINER

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/05 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Gunter on 5/12/05.

The application has been amended as follows:

Claim 1 has been renumbered as claim 16.

Claim 2 has been renumbered as claim 17.

In newly renumbered claim 17 line 1, "1" has been replaced with --16--.

Claim 3 has been renumbered as claim 18.

Newly renumbered claim 18 (numbered claim 3 in the claims filed 1/6/05) has been canceled.

Claims 1-3 were submitted with the RCE filed 1/6/05. Claims 1-3, presented at original filing of the application, on 9/8/03, were canceled via the Examiner's Amendment of 10/6/04. In the Notice of Allowability of 10/6/04, in box 2, the allowable claims, claims 16-18, were indicated as being renumbered as claims 1-3 respectively. This explains why applicant presented claims 1-3 with the RCE. Claims 1-3 correspond directly to allowed claims 16-18. Note also the first paragraph of page 4 of Applicant's remarks filed 1/6/05. It should have been clarified that claims 16-18 would be renumbered 1-3 in the patent, or would appear as claims 1-3 in the patent.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Refer to the reasons for allowance provided on page 3 of the Examiner's Amendment mailed 10/6/04.

And regarding a conceivable 35 U.S.C. 103(a) rejection of Copeland (US 2004/0075217 A1) in view of Hunter et al (US 5,398,980), it is unclear due to the cross-hatching, what material Copeland's spigot and bell are made from. Hunter et al teaches a similar mechanical joint wherein the male pipe (106) is plastic. The cross-hatching provided for pipe (106) corresponds to plastic. See MPEP 608.02. So, it conceivably

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would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plastic spigot as a matter of design choice or since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Yet, Copeland in view of Hunter et al still fails to meet the limitations requiring a hardened ring, wherein the ring includes a single slit at one circumferential location to allow for expansion and contraction of the ring.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER